



Whistleblowing Policy

Approved by	Date
Standards Committee	2008
Standards Committee	2010 update
Governance and Resources Committee	2015 update

1. INTRODUCTION

- 1.1 A whistle-blower is generally a term used for a person who works in or for an organisation and raises an honest and reasonable concern about a possible fraud, crime, danger or other serious risk that could threaten colleagues, service users, customers, members of the public of the success and reputation of the organisation.
- 1.2 This policy aims to set out how issues can be raised in good faith and without fear of recrimination to help ensure that the District Council operates in a safe and ethical manner. It is recognised that most cases will need to be dealt with confidentially.
- 1.3 The policy applies to:-
- All Members of the Council
 - All employees of the Council
 - Contractors working for the Council on Council premises
 - Suppliers and those providing services under a Council contract

2. DETAIL

- 2.1 All of us may at some time or another have concerns about what is happening at work. Usually these concerns are easily resolved. However, when they are about unlawful conduct, financial malpractice, or dangers to the public it can be difficult to know what to do.
- 2.2 You may be worried about raising such issues or may want to keep the concerns to yourself, perhaps feeling that it's none of your business, or that it's only a suspicion. You may feel that to speak up may be disloyal to your colleagues or to the Council. You may also decide not to say something for the fear or harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.
- 2.3 Derbyshire Dales District Council has introduced this policy to enable you to raise such concerns at an early stage and in the right way. The Council would rather that you raised the matter when it is just a concern rather than waiting for proof. This policy document makes it clear that you can do so without fear of victimisation, subsequent discrimination or disadvantage.
- 2.4 If something is troubling you, which you think should be known about or looked into, please use this procedure. If however you are aggrieved about your personal position please use the Grievance Procedure available on SIDD, your line manager or HR Section. This Whistleblowing procedure is primarily for concerns where the interest of others or of the organisation itself is at risk.
- 2.5 There are existing procedures in place to enable you to lodge a complaint about your own employment within the Council, namely –
- Grievance Procedure
 - Dignity at Work Policy

2.6 If in doubt – raise it!

3. EXAMPLES OF ISSUES THAT MAY BE RAISED

3.1 This policy is intended to cover major concerns that may fall outside the scope of other procedures. The following are examples and are not intended to be an exhaustive list.

- Health and safety risks, including risks to the public as well as other employees
- Sexual or physical abuse of both employees and clients
- Damage to the environment
- Unauthorised use of public funds
- Theft or abuse of Council property
- Possible fraud and corruption
- Other unethical conduct
- Abuse of children and vulnerable adults
- Actions which are intended to conceal any of the above.

3.2 It is clear that any serious concerns that you have about any aspect of service provision or the conduct of employees or Members of the Council or others acting on behalf of the Council can be reported under the Confidential Reporting Policy. This may be about something that:

- makes you feel uncomfortable,
- Is against the Council's existing Codes and policies such as Standing Orders, Financial Regulations etc., or
- Is contrary to established standards of practice, or
- Involves child abuse

3. HOW THE MATTER WILL BE HANDLED

3.1 The Council's Assurances to You

The Public Interest Disclosure Act 1998 (as amended by the Enterprise and Regulatory Reform Act 2013), protects whistle-blowers from any reprisals as long as they meet the rules set out in the Act:

- You must disclose the information in good faith
- You must believe it to be substantially true
- You must not act maliciously or make false allegations
- You must not seek any personal gain.

The Council is committed to this policy. You will not be at risk of losing your job or suffering any form of retribution or detriment as a result of raising your concerns provided that you reasonably believe that you are acting in good faith and making the disclosure in the public interest. It does not matter if you are mistaken, so long as you reasonably believe there is a problem.

Of course, the Council does not extend this assurance to someone who maliciously raises a matter that they know is untrue or makes an allegation for personal gain. This could be construed as gross misconduct and disciplinary action may be taken.

3.2 Confidentiality

The Council will not tolerate the harassment or victimisation or anyone raising a genuine concern. However, it is recognised that you may nonetheless want to raise a concern in confidence.

All concerns will be treated in confidence and every effort will be made not to reveal your identity without your permission. If you agree, you may be called as a witness at the appropriate time in order to prove the case. If a case comes before the Court however, your evidence may prove crucial and your identity may need to be disclosed.

Concerns raised anonymously are much less powerful, but they will be considered at the discretion of the Council. In exercising this discretion factors to be taken into account include:

- the seriousness of the issues raised;
- the credibility of the concern; and
- the likelihood of confirming the allegation from attributable sources.

Concerns raised by a trade union or other professional or representative body on behalf of one or more of its members may be raised without necessarily identifying individuals.

4. HOW TO RAISE A CONCERN

4.1 As a first step, you should normally raise concerns with your immediate manager, supervisor or head of service. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if you believe that management is involved, you should approach one of the following –

- The Chief Executive,
- Corporate Director,
- Director of Corporate and Customer Services & Monitoring Officer
- Director of Resources & S.151 Officer

All concerns raised under this policy will be referred without delay to the Monitoring Officer. If the concern relates to the Monitoring Officer, then the concern will be referred to the Chief Executive.

Concerns may be raised verbally initially but must then be put in writing. It is helpful to set out the background and history of the concern (giving relevant dates) followed by the reason why you are particularly concerned about the situation. The earlier you express the concern the easier it is to take action.

Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.

You may wish to consider discussing your concerns with a colleague first and you may find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns. You may invite your trades' union representative, professional association representative or work colleague to be present during any meetings or interviews in connection with the concerns you have raised.

Rarely a case might arise where the employee whom reported the matter has participated (or even continues to participate) in the action causing concern. In such a case it is in the employee's interest to come into the open as soon as possible. The Policy cannot undertake not to act against such an employee but by virtue of coming forward there is a mitigating factor to be taken into account.

4.0 HOW THE COUNCIL WILL RESPOND

4.1 Response

Once you have notified the Council of your concern, the Monitoring Officer will acknowledge receipt of that concern to you.

The Monitoring Officer will write to you again within the next 10 working days:

- Indicating how the matter will be dealt with
- Giving an estimate of how long it will take to provide a final response
- Telling you whether any initial enquiries have been made
- Supplying you with information on staff support mechanisms, and
- Telling you whether further investigations will take place and if not, why not.

The amount of contact between the employees considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from you.

The Council will take over investigation of your concern and steps will be taken to minimise any difficulties which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, arrangements will be made for you to receive advice about the procedure.

Whilst the purpose of this policy is to investigate possible malpractice and take appropriate steps to deal with you, you will be given as much feedback as possible. And subject to legal constraints, you will be informed of the outcome of any investigation.

6 HELP AND ASSISTANCE

6.1 Internal Contacts

6.2 For independent and confidential advice regarding this policy please contact one of the following internal contacts within the Council:

Paul Wilson, Chief Executive

Tel: 01629 761126 or Email: paul.wilson@derbyshiredales.gov.uk

James McLaughlin, Director of Corporate & Customer Services & Monitoring Officer

Tel: 01629 761281 or Email: james.mclaughlin@derbyshiredales.gov.uk

Karen Henriksen, Director of Resources & S.151 Officer

Tel: 01629 761284 or Email: karen.henriksen@derbyshiredales.gov.uk

6.3 External Contacts

While it is hoped that this policy gives you the reassurance you need to raise such matters internally, it is recognised that there may be circumstances where you can properly report matters to outside bodies, such as the 'Prescribed Regulators'. Prescribed Regulators are appointed by the Government and are external bodies able to take and consider your concerns.

If you do take a matter outside the Council, you should ensure that you do not disclose confidential information without the Council's consent. You may need to check the status of information you want to disclose with the Monitoring Officer.

Relevant Prescribed Regulators include:

Health and safety risks	Health and Safety Executive
Environmental issues	Environment Agency
Financial Services	Financial Services Authority (and, pending its full operation, its predecessor bodies) and HM Treasury
Fraud	Serious Fraud Office, Inland Revenue and Customs and Excise
Public Sector Finance	National Audit Office
Competition and Consumer Law	Office of Fair Trading

In addition, the independent Charity Public Concern at Work has lawyers that can give you free confidential advice at any stage about how to raise a concern about serious malpractice at work. Tel 0207 404 6609.

5 THE RESPONSIBLE OFFICER

The Monitoring Officer has overall responsibility for the maintenance and operation of this policy, and will maintain a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality) will report periodically to the Governance and Resources Committee on the use of this policy (also in a form which does not endanger your confidentiality).